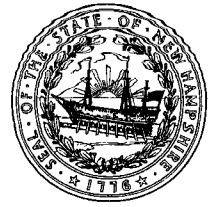




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-037**

April 18, 2006

David & Myra Somero
84 North Rd
New Ipswich, NH 03071

RE: DES Wetlands File #2002-01563, 84 North Rd, New Ipswich

Dear Mr. & Mrs. Somero:

On March 29, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of New Ipswich Tax Map 7 as Lot 65 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A breakwater/jetty had been constructed and extended into the pond approximately 25 feet.
2. Approximately 1000 square feet of wetland adjacent to the pond had been filled for the construction of a path and access to the pond.

A subsequent review of Department records revealed that Wetlands Bureau personnel have requested several times that the breakwater and fill be removed. During a recent phone conversation Wetlands Bureau personnel indicated that breakwaters are not an approvable structure in this location, however other types of access such as a dock may be approvable.

In response, you are requested to take the following actions:

1. **By June 1, 2006**, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removing the breakwater/jetty and wetland fill on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date by July 1, 2006.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
- 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.**

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, bold, black stamp that says "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL # 7006 0100 0005 8153 5030

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
New Ipswich Conservation Commission
New Ipswich Board of Selectmen
USACOE